

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TEXTRON INNOVATIONS INC.,)
)
Plaintiff,)
)
v.) C. A. No. 05-486 (GMS)
)
THE TORO COMPANY,)
)
Defendant.)

**PLAINTIFF TEXTRON INNOVATIONS INC.'S MOTION FOR RECONSIDERATION
OR REARGUMENT AND MODIFICATION AND/OR CLARIFICATION OF ORDER
GRANTING STAY OF PROCEEDINGS**

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*Attorneys for Plaintiff
Textron Innovations Inc.*

Dated: May 9, 2007

Plaintiff Textron Innovations Inc. (“Textron”) respectfully requests that in light of the Supreme Court’s April 30 decision in *KSR Int’l Co. v. Teleflex Inc.*, this Court reconsider or, pursuant to Local Rule 7.1.5, permit reargument of its Order of April 25 granting a stay of these proceedings. This Court’s Stay Order noted, in weighing the factors pertinent to the stay motion, that it was important that the Supreme Court might “modify the legal standard for obviousness,” which could in the absence of a stay require a retrial of the invalidity issues. The Court’s statement was based on the fact that the *KSR* case had been argued but not yet decided by the Supreme Court. Because the Supreme Court has now rendered its decision in *KSR*, this factor no longer militates in favor of a stay.

Textron also requests that the Court modify and/or clarify its Stay Order with respect to certain *dicta* regarding the potential remedies available to Textron in this case. Specifically, Textron requests that the Court modify and/or clarify its Order to make clear that: (1) the Court has not adjudged the factual issue of the extent to which Textron competes with Toro for sales of covered products; (2) the Court has not adjudged the legal issues with respect to the remedies available to Textron in this case; and (3) the Court’s statements in these respects did not constitute law of the case.

The grounds for this motion are set forth in detail in the accompanying brief in support.

Dated: May 9, 2007

Respectfully submitted,

TEXTRON INNOVATIONS, INC.

By:


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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May 2007, I caused a copy of the foregoing
Plaintiff Textron Innovations Inc.'s Motion for Reconsideration or Reargument and
Modification and/or Clarification of Order Granting Stay of Proceedings to be served:

Via hand delivery upon:

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